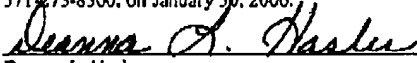


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Deanna L. Hasler

PATENTOur Case No. 10022/182IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	)
	) Group Art Unit 2143
Terry Robert Ecklund et al.	)
	) Examiner: Asghar H. Bilgrami
Serial No.: 10/071,936	)
	) Conf. No. 9850
Filed: February 7, 2002	)
	)
For: RETRIEVING DOCUMENTS OVER	)
A NETWORK WITH A WIRELESS	)
COMMUNICATION DEVICE	)

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MAIL STOP AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant respectfully requests review of the final rejection mailed September 30, 2005 in the above-identified application. A notice of appeal is being filed concurrently and is included herewith. Review is requested for the reasons indicated in the Remarks that begin on page 2 of this paper.

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### REMARKS

Claims 1, 4, 6 and 10-18 are currently pending in this Application. For purposes of brevity, Applicant will only briefly discuss the factual and legal deficiency of the rejections with regard to independent Claims 1, 6, 11, 15, 16, and 17.

Claims 1, 4, 6 and 10-18 stand rejected pursuant to 35 U.S.C. § 103(a) as being obvious in view of U.S. Publication No. 2003/0074475 to Ollikainen (herein after referred to as "Ollikainen").

Independent Claim 1 describes a proxy server that is configured to transmit a first viewable segment and a navigational aid in response to a request, said navigation aid being selectable with said wireless communication device to request said second viewable segment, and said proxy server transmits said second viewable segment upon receipt of a selection of said navigation aid by said wireless communication device. The final office action mailed September 30, 2005, includes a clear factual deficiency in the primary facie case of obviousness since Ollikainen fails to teach, suggest, or disclose transmission of a first viewable segment and a navigational aid or transmission of a second viewable segment in response to selection of said navigational aid as described in Claim 1.

To the contrary, Ollikainen is primarily directed to the presentation of video in which the goal is to provide a sustained and uninterrupted presentation of the viewable subject matter on a wireless device. (paragraphs 55 and 88) Thus, not only does Ollikainen teach away from transmission of segments and a navigational aid, but there would be no motivation to include such segments and a navigational aid in the teachings of Ollikainen since such segments and a navigational aid would render the invention of Ollikainen unsatisfactory for its intended purpose, which is to provide an uninterrupted presentation of a video. These issues are further discussed

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on pages 2-4 of Applicant's after-final response filed on November 17, 2005 and pages 7-9 of Applicant's response filed on July 6, 2005.

Independent claim 6 is a method that includes the limitation of transmitting a second viewable segment in response to selection of a navigation aid by a wireless communication device. Thus, as discussed above with respect to Claim 1, Ollikainen teaches away from this limitation. Independent Claim 11 includes transmitting means configured to transmit a second viewable segment to a wireless communication device upon selection of a navigation aid by the wireless communication device. As discussed above with respect to claim 1, Ollikainen teaches away from this feature.

With regard to the system of independent Claim 15, in addition to the factual and legal deficiency in the rejection with regard to a first and second segment and a first navigational aid, the final rejection of Claim 15 is also factually and legally deficiency for failing to consider or address a second navigation aid described in the Claim. Specifically, Claim 15 describes a proxy server that is configured to transmit a second navigation aid that is selectable with said wireless communication device to request said first viewable segment. Not only is this limitation not disclosed nor suggested by Ollikainen, and Ollikainen teaches away from such a feature, but also, such a limitation would render the invention of Ollikainen unsatisfactory for its intended purpose of a continuous and uninterrupted video presentation as previously discussed. These issues are further discussed on page 5 of Applicant's after-final response filed on November 17, 2005.

The method of independent Claim 16 describes the step of transmitting a second navigation aid and said second viewable segment to said wireless communication device. In addition, Claim 16 describes the step of, in response to selection of said second navigation aid

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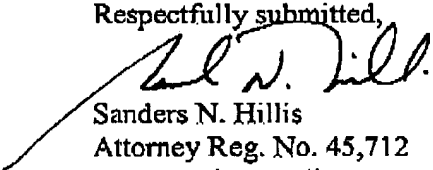
Filed: February 7, 2002

with said wireless communication device transmitting said first viewable segment and said first navigation aid to said wireless communication device. Not only does the current rejection fail to acknowledge or address the described second navigation aid, but also, as previously discussed, Ollikainen's teaching of a system to provide a continuous and uninterrupted presentation are rendered unsatisfactory for their intended purpose and teach away from the limitations described in Claim 16. These issues are further discussed on page 5 of Applicant's after-final response filed on November 17, 2005.

Independent Claim 17 includes the limitation where "said navigation aid selectable to request said second viewable segment." As discussed above with respect to Claim 1, Ollikainen teaches away and is rendered unsatisfactory for its intended purpose if such segments and a navigation aid were included therein.

The present pending claims of this application are not taught, suggested or disclosed by Ollikainen and the third element to support a prima facie case of obviousness, namely that the cited prior art teach or suggest each and every limitation included in the Claims, is not fulfilled by the present rejections. (MPEP 2143.03) Applicant respectfully asserts that a clear legal and factual deficiency is present in the support for the present 35 U.S.C. §103(a) rejections of the claims. Thus, Applicant respectfully requests that the panel issue a decision so indicating.

Respectfully submitted,



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